

Securities and Exchange Commission

§ 200.80a

for search and duplication of records as described in paragraphs (e)(9)(i) and (e)(9)(iii) of this section, respectively, as qualified in paragraph (e)(9)(iv) of this section.

(11) *Appeal of classification.* Classification under the provisions of paragraph (e)(10) of this section may be appealed to the General Counsel in accordance with the procedure set forth in paragraph (d)(6) of this section.

(12) *Aggregation of requests.* If the Freedom of Information Act Officer reasonably believes that a requester or group of requesters acting in concert is attempting to divide one request into a series of requests for the purpose of evading the assessment of fees, those requests may be aggregated and charges assessed accordingly.

(13) *Advance payment.* The Freedom of Information Act Officer may require advance payment of fees expected to be incurred in connection with a request, but only when the subject requester has failed to make timely payment in the past, or when the estimated processing costs exceed \$250.00 and the requester has no previous payment records or has failed to make timely payment in the past. Processing in such cases shall be delayed until advance payment is received and statutory time limits will be appropriately extended.

(14) *Interest on unpaid bills.* On the 31st day following the date of a bill to a requester, the Commission may begin assessing interest on the unpaid amount at the rate prescribed in section 3717 of title 31 of the U.S. Code. Interest will accrue from the date of the bill.

[40 FR 8799, Mar. 3, 1975]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 200.80, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 200.80a Appendix A—Documentary materials available to the public.

[See footnotes at end of table]

| Description | Pursuant to section— |
|---|----------------------|
| Securities Act of 1933 | |
| Registration statement providing financial and other information concerning securities offered for public sale, filed under Regulation C (17 CFR 230.400 <i>et seq.</i>). | 6 |
| Prospectuses (selling circulars) in connection with registration statement. | 10 |
| Periodic reports (annual, quarterly, and current) to keep reasonably current the information in registration statement. | (1) |
| Requests for extension of time to file information, document, or report. | (2) |
| Reports of sales of registered securities and use of proceeds thereunder by first time registrants. | 19(a), 20(a) |
| Report by issuers of securities quoted on NASDAQ Inter-Dealer Quotation System. | (1) |
| Preliminary data (prospectus, circular letters, etc.) to oil offering (Regulation B) (17 CFR 230.300 <i>et seq.</i>). | 3(b) |
| Offering sheets for oil or gas rights and royalties under Regulation B for exemption from registration provisions (17 CFR 230.300 <i>et seq.</i>). | 3(b) |
| Notifications of exemption from registration filed under Regulation A, E, and F (17 CFR 230.251, 230.601, 230.651 <i>et seq.</i>). | 3(b) |
| Offering circulars and written advertisements or other communications under Regulations A, E, and F (17 CFR 230.251, 230.601, 230.651 <i>et seq.</i>). | 3(b) |
| Report of sales and use of proceeds (Regulations A and E) (17 CFR 230.251, 230.601 <i>et seq.</i>). | 3(b) |
| Consent by non-resident to service of process (Regulation A) (17 CFR 230.251 <i>et seq.</i>). | 3(b) |
| Application for relief from disability under Regulations A and F (17 CFR 230.651 <i>et seq.</i>). | 3(b) |
| Notice of proposed resale of restricted securities and resale of securities by control persons (17 CFR 230.144). | 4(1), 4(4) |
| Notice of proposed sale by non-controlling person of restricted securities of issuers which do not satisfy all of the conditions of Rule 144 (17 CFR 230.237). | 3(b) |
| Notice of sale of securities by closely held issuers (issuers with 100 or less beneficial owners) other than investment companies, registered or required to be registered under the Investment Company Act of 1940 (17 CFR 230.240). | 3(b) |

[See footnotes at end of table]

| Description | Pursuant to section— |
|---|----------------------|
| Securities Exchange Act of 1934 | |
| Registration statement (securities listed on a national securities exchange). | 12(b) |
| Registration statement (securities traded over-the-counter). | 12(g) |
| Exemption from section 12(g), 13, 14, 15, or 16. | 12(h) |

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[See footnotes at end of table]

| Description | Pursuant to section— |
|---|----------------------|
| Information by a foreign issuer temporarily exempt from section 12(g). | 12(g)(3) |
| Certification of exchange approving securities for listing and registration. | 12(d) |
| Periodic reports (annual, quarterly and current) to keep current the information in the above registration statements. | 13(a) |
| Request for extension of time to file information, document, or report. | 12(b) |
| Correspondence between the Commission and registrants that are delinquent in filing certain required reports. | 13(a), 15(d) |
| Report by issuers of securities quoted on NASDAQ Inter-Dealer Quotation System. | 15(d), 13(a) |
| Certificate of termination of Registration for a class of security. | (3) |
| Notices of suspension of trading | 12(d) |
| Application to withdraw or strike a security from listing and registration on a national securities exchange. | 12(d) |
| Notification by an exchange of the admission to trading of a substituted or additional class of security. | 12(a) |
| Definitive proxy soliciting materials filed under Regulation 14A (17 CFR 240.14a-1 <i>et seq.</i>). | 14(a) |
| Distribution of information to security holders from whom proxies are not solicited filed under Regulation C (17 CFR 230.400 <i>et seq.</i>). | 14(c) |
| Acquisitions, tender offers and solicitations. (17 CFR 240.14d-1 <i>et seq.</i>). | 13(d), 14(d) |
| Initial statement of beneficial ownership of equity securities by officers, directors and principal stockholders of issuers having listed equity securities; and changes in such ownership. | 16(a) |
| Application for permission to extend unlisted trading privileges, notification of changes, and notification of termination or suspension. | 12(f) |
| Application for registration as a broker and dealer, and amendments or supplements to such application. | 15(b) |
| Reports of financial condition of registered brokers and dealers. | 17 |
| Application for registration as a transfer agent and amendments to such application. | 17A(c) |
| Application for registration as a municipal securities dealer. | 15B(a) |
| Application for registration or exemption as a securities information processor. | 11A(b) |
| Application for registration or exemption as a clearing agency. | 17A(b) |
| Irrevocable appointment of agent for service of process, pleadings and other papers. | 23(a) |
| Notice by non-resident broker or dealer specifying address of place in United States where copies of books and records are located and undertaking to furnish to Commission, upon demand, copies of books and records he is required to maintain. | 17 |
| Subordination agreements | 15 |
| Initial assessment and information form for registered brokers and dealers not members of a registered national securities association. | 15(b)(8) |

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[See footnotes at end of table]

| Description | Pursuant to section— |
|--|----------------------|
| Annual assessment and information form for registered brokers and dealers not members of a registered national securities association. | 15(b)(8) |
| Reports of market makers and other registered broker-dealers in securities traded on national securities exchanges. | 17(a) |
| Reports by registered brokers and dealers who are OTC Market in Makers in any OTC Margin Securities. | 17(a) |
| Proposed rule changes by all self-regulatory organizations. | 19(b) |
| Notice as to stated policies, practices and interpretations of self-regulatory organizations. | 19(b) |
| Application by an exchange for registration or exemption from registration as a national securities exchange. | 6(a) |
| Annual amendments and supplemental material filed to keep reasonably current the information contained in application for registration or exemption. | 6(e) |
| Record disposal plan of national securities exchanges. | 17 |
| Application for listing securities on an exempted exchange. | 12(b) |
| Periodic reports to keep reasonably current the information contained in application for listing securities on exempted exchange. | 13 |
| Certification of exempted exchange approving securities for listing. | 12(d) |
| Application for registration as a national securities association or affiliated securities association. | 15A |
| Annual supplement consolidated to keep reasonably current the information in the above application. | 15A |
| Report of changes in membership status of any of its members required of national securities exchanges and registered national securities associations. | 17, 19 |
| Application by a national securities association or a broker or dealer for admission or continuance of a broker or dealer as member of a national securities association, notwithstanding a disqualification under section 15A(b)(4). | 15A(b)(4) |
| Application for review of disciplinary action or denial of membership by registered securities association. | 15A(g) |
| Reports on stabilizing activities pertaining to a fixed price offering of securities registered or to be registered under the Securities Act of 1933, or offered or to be offered pursuant to an exemption under Regulation A (17 CFR 230.251 <i>et seq.</i>), or being or to be otherwise offered if aggregate offering price exceeds \$500,000. | 17 |
| Plans by exchanges authorizing payment of special commission in connection with a distribution of securities on exchanges. | 10 |
| Suspensions of trading of securities otherwise than on a national securities exchange. | 15(c)(5) |
| Annual and supplemental reports of the Municipal Securities Rulemaking Board. | 17 |

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[See footnotes at end of table]

| Description | Pursuant to section— |
|---|---|
| Public Utility Holding Company Act of 1935 | |
| Notification of registration and registration statement by public utility holding companies providing financial and other information concerning the issue and sale of securities. | 5(a), 5(b) |
| Annual reports by registered holding companies to keep reasonably current information in the registration statement. | 5(d) |
| Application for an order of the Commission declaring registrant has ceased to be a holding company. | 5(d) |
| Statement by a person employed or retained by a registered holding company or subsidiary thereof, of subject matter in respect of which retained or employed; and annual statement thereafter. | 12(i) |
| Application for exemption from provisions of the Act and applications for declaratory orders regarding status of company under Act by holding companies, subsidiaries, and other companies. | 2(a)(3), 2(a)(4), 2(a)(7)(B), 2(a)(8)(B), 3(a), (b) |
| Twelve-month statement by bank claiming exemption under the Act. | 3(a), (d) |
| Application for approval of mutual service company or declaration with respect to organization and conduct of business of subsidiary service company. | 13(b) |
| Statement executed by financial institution authorizing representative to serve as officer or director of holding company or subsidiary, filed by representative. | 17(c) |
| Initial statement of beneficial ownership of securities filed by officers and directors of registered public utility holding companies, and changes in such ownership. | 17(a) |
| Annual reports by mutual and subsidiary service companies. | 13 |
| Application by interested persons for approval of reorganization plans required in court proceedings for reorganization of registered holding companies and subsidiaries. | 11(f) |
| Application by or on behalf of persons requesting approval of payment of fees, expenses or remuneration for services rendered in connection with a proceeding in reorganization in a U.S. Court involving registered holding companies or subsidiaries. | 11(f) |
| Notices of intention regarding proposed sale of securities and other assets not requiring filing of application or declaration. | 11, 12(d), 12(f) |
| Statements in justification of fees and expenses proposed to be paid. | 6(b), 7, 9, 10, 12(d) |
| Reports to stockholders by registered holding company or subsidiary thereof and annual reports submitted by registered holding company or subsidiary thereof to a State commission covering operations not reported to Federal Power Commission. | 14, 15 |

[See footnotes at end of table]

| Description | Pursuant to section— |
|--|----------------------|
| Trust Indenture Act of 1939 | |
| Statement of eligibility and qualification of corporations or individuals as trustees under qualified indenture under which debt security has been or is to be issued. | 305, 307 |
| Application for qualification of indenture under which security (bonds, debentures, notes and similar debt securities) has been or is to be issued. | 307 |
| Application for exemption from provisions of the Act in certain cases. | 304(c), (d) |
| Application re conflict of interest of trustees. | 310(b)(1) |
| Reports by indenture trustee to indenture security holders with respect to eligibility and qualification under section 310. | 313 |
| Application relative to affiliations between trustees and underwriters. | 310(b)(3), 310(b)(6) |
| [See footnotes at end of table] | |
| Description | Pursuant to section— |
| Investment Advisers Act of 1940 | |
| Application for registration as investment adviser or to amend or supplement such an application. | 203(c), 204 |
| Application for exemption and other relief | 206A |
| Irrevocable appointment of agent for service of process, pleadings and other papers. | 211(a) |
| Notice by non-resident investment adviser specifying address of place in United States where copies of books and records are located, or. | 204 |
| Undertaking by non-resident investment adviser to furnish to Commission, upon demand, copies of any books or records he is required to maintain. | 204 |
| [See footnotes at end of table] | |
| Description | Pursuant to section— |
| Investment Company Act of 1940 | |
| Notification of registration of investment company, and registration statement covering an offering of securities of investment company evidencing an interest in a portfolio of securities in which the investment company invests. | 8(a), 8(b) |
| Periodic reports (annual and quarterly) to keep reasonably current the information in above registration statement. | 30(a), 30(b)(1) |
| Periodic or interim reports to security holders of registered investment companies. | 30(b)(2) |
| Application for order of the Commission determining registrant has ceased to be an investment company. | 8(f) |
| Fidelity bond, resolution of board of directors, notice of cancellation or termination of bond for officers and employees of investment companies who have access to its securities or funds. | 17(g) |
| Waiver of indemnification of officers and directors of investment companies. | 17(h), 17(i) |

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[See footnotes at end of table]

| Description | Pursuant to section— |
|---|--|
| Report of independent auditors examining records of investment companies. | 17(f) |
| Application by other than registrant for order of Commission declaring corporate name of registrant is misleading or deceptive. | 35(d) |
| Request by company for certificate to be issued to Secretary of Treasury. | (4) |
| Proxy soliciting material | 20(a) ⁵ |
| Initial statement of beneficial ownership of securities by officers, directors and other specified insiders of registered closed-end investment companies, and changes in such ownership. | 30(f) |
| Application for exemption from provisions of the Act and other relief. | 2(a)(9), 3(b)(2), 6(b), (c), (d), 7(d), 10(e), (f), 11(a), (c), 12(d)(1), (d)(2), 14(a), 15(a), 16(a), 17(a), (b), (d), (e), 18(i), 22(d), 23(b)(5), (c)(3), 24(d), 26(a)(2)(C), 28(c), 35(d), and others. |
| Statement of transactions—exemption from provisions of section 10(f). | 10(f) |
| Application for an ineligible person to serve as officer, director, etc. of a registered investment company. | 9(b) |
| Request for advisory report of the Commission relating to the reorganization of registered investment company. | 25(b) |
| Report of repurchase of its own securities by a closed-end company. | 23(c) |
| Sales literature regarding securities of certain investment companies. | 24(b) |
| Statement of the Federal Savings and Loan Corporation relating to the exemption of certain issuers. | 6(a)(4) |
| Report submitted pursuant to an order of the Commission. | |
| Documents and records resulting from derivative or representative law suits. | 33 |

Footnotes:

¹ Section 15(d)—Securities Exchange Act of 1934.

² Section 12(b)—Securities Exchange Act of 1934.

³ Section 12(g)—Securities Exchange Act of 1934.

⁴ Section 851(e)(1) of the Internal Revenue Code of 1954 is applicable.

⁵ Regulation 14 under the Securities Exchange Act of 1934 is applicable (17 CFR 240.14a–1 *et seq.*).

Miscellaneous

Requests or petitions that a change in the Commission's rules, regulations or forms be made; comments on proposed rules, regulations or forms; issuance, amendment or repeal of rules, regulations or forms promulgated under the various Acts administered by the Commission.

Requests for no-action and interpretative letters and responses thereto.

Transcripts of proceedings in public hearings including testimony, exhibits received

in evidence, intermediate decisions, oral arguments, motions, briefs, exceptions.

Commission findings, opinions, orders, rulings and notices issued for public release.

Final opinions of the Commission, including concurring and dissenting opinions, as well as orders made by the Commission in the adjudication of cases.

A record of the final votes of each member of the Commission in every Commission proceedings concluded after July 1, 1967.

Hearings and comments on proposed rules or statements of policy, etc., except where the writer requests that his comments not be made public.

Periodic reports filed by the International Bank for Reconstruction and Development under Regulation BW—Rules 1 to 4, section 15(a) of the Bretton Woods Agreement Act (17 CFR part 285).

Periodic reports filed by the Inter-American Development Bank, pursuant to Regulation IA (17 CFR part 286) adopted pursuant to section 11(a) of the Inter-American Bank Act.

Periodic reports filed by the Asian Development Bank, pursuant to Regulation AD (17 CFR part 287) adopted pursuant to section 11(a) of the Asian Development Bank Act.

Copies of papers filed in court, and papers and documents received from courts, are primarily for the use of the Commission attorneys and other members of the staff. These may not always be complete and accurate and may contain nonpublic staff notations. However, in appropriate situations, with the approval of the Office of the General Counsel, examination of such material may be made or copies obtained as a matter of courtesy.

Statements of policy and interpretations which have been adopted by the Commission and are not published in the FEDERAL REGISTER.

Administrative staff manuals and instructions to the staff that affect a member of the public.

Reports by the Commission to the Congress as a whole.

Notices of Commission meetings announced to the public as described in § 200.403; announcements of Commission action to close a meeting, or any portion thereof, as described in § 200.404(b) and § 200.405(c); and certifications by the General Counsel, pursuant to § 200.406, that a Commission meeting, or any portion thereof, may be closed to the public.

[41 FR 44696, Oct. 12, 1976, as amended at 42 FR 14693, Mar. 16, 1977]

§ 200.80b Appendix B—SEC releases.

Free mailing list distribution of releases has been discontinued by the Commission because of rising costs and staff limitations. However, the texts of all releases under the